

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District

FILE NUMBER: MVP-2004-160202-LMK

REGULATORY PROJECT MANAGER: Linda M. Kurtz **Date:** November 5, 2004

PROJECT REVIEW/DETERMINATION COMPLETED: **In the office (Y/N)** **Y** **Date:** **11/5/04**

At the project site (Y/N) **Y** **Date:** **6/24/04**

PROJECT LOCATION INFORMATION:

State: Wisconsin

County: Brown

Center coordinates of site by latitude & longitude coordinates:
Lat. 44.538316816, Lon. -87.8755961505

Approximate size of site/property (including uplands) in acres
1,043 acres

Name or waterway of watershed: Door-Kewaunee

Type of Aquatic Resource ¹ :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Feet	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	#15	#14			#4				
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water									

¹Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors ¹	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			X		
Is or would be used as habitat by other migratory birds that cross state lines?			X		
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

¹Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: **Preliminary Or Approved X**

ADDITIONAL INFORMATION SUPPORTING NJD (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

A request for concurrence of a wetland delineation report and jurisdictional determination regarding 17 delineated wetlands was submitted to the Corps. No proposal for filling has been submitted at this time. The delineation report has been prepared to help in the planning process for future development of an approximately 1,043-acre site proposed for annexation by the City of Green Bay.

The isolated areas include wetlands identified as 4, 14, and 15. A review of local topographic maps, the local soil survey, wetland inventory maps, and aerial photography failed to identify any surface water connection to a water of the U.S for wetlands 4, 14, and 15.

Wetlands 1 – 3, 5 - 13, 16, and 17 are adjacent to a tributary to Green Bay, a navigable water of the United States and are therefore, subject to the Corps of engineers jurisdiction.